



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

*Promoting the wise use of land
Helping build great communities*

MEETING DATE May 1, 2015	CONTACT/PHONE Jo Manson (805) 781-4660 jmanson@co.slo.ca.us	APPLICANT Peter G. Clark and Anderson & Middleton Logging Company	FILE NO. COAL 14-0064 SUB2014-00013
SUBJECT Hearing to consider a request by PETER G. CLARK AND ANDERSON & MIDDLETON LOGGING COMPANY for a Lot Line Adjustment (COAL 14-0064) to adjust the lot lines between two parcels of approximately 240 and 880 acres each. The adjustment will result in two parcels of approximately 223 and 897 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located on both sides of Shedd Canyon Road, approximately 0.85 mile south of CA State Highway 46 East, approximately 1.9 miles southwest of the intersection of State Highway 46 East and West Centre Street, and west of the community of Shandon. The site is in the Shandon-Carrizo Sub Area North in the North County planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 14-0064 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is exempt from and not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption] A General Rule Exemption (ED14-182) was issued on March 3, 2015.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 019-171-023, and portions of -037, -038	SUPERVISOR DISTRICT(S): 1
PLANNING AREA STANDARDS: None applicable.			
LAND USE ORDINANCE STANDARDS: 22.22.040 – Subdivision design standards for the Agriculture land use category			
EXISTING USES: Vineyards, dry farmed hay, cattle grazing, barns, two agricultural reservoirs			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture / vineyards, grazing, dry farm South: Agriculture / grazing, dry farm East: Agricultural / residence, grazing, dry farm West: Agriculture / vineyards, grazing, dry farm			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner and Shandon Advisory Committee			
TOPOGRAPHY: Level to steeply sloping		VEGETATION: Grasses, oak trees, vineyards	
PROPOSED SERVICES: Water supply: Individual well system Sewage Disposal: Individual septic system Fire Protection: CAL FIRE		ACCEPTANCE DATE: December 11, 2014	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
240 acres	223 acres
880 acres	897 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The two (2) existing parcels are under separate Williamson Act agricultural preserve contracts. Existing Parcel 1 (880 acres) is developed with approximately 473 acres of irrigated vineyards, barns, two (2) agriculture reservoirs and a dry farmed hay agricultural use. Existing Parcel 2 (240 acres) is developed with approximately thirteen (13) acres of irrigated vineyards. The remainder of the 240 acre parcel is undeveloped/grazing. The purpose of the adjustment is to transfer approximately seventeen (17) acres from the 240 acre parcel to the 880 acre parcel. The seventeen (17) acres includes thirteen (13) acres of irrigated vineyards. The proposed parcel lines follow the natural topography of the land. The adjustment is intended to consolidate the existing vineyard, which is currently located on both existing parcels, on Proposed Parcel 1.

The minimum parcel size as required in Section 22.22.040 for the Agriculture land use category is based on Subsections B (Size based upon existing use) and C (Size based upon land capability), unless a larger minimum parcel size is specified in the terms of the existing Williamson Act agricultural preserve and contracts. The required minimum parcel size based on an existing irrigated vineyard use is 40 acres, an existing dry farm use is 160 acres and an existing grazing use is 320 acres. The required minimum parcel size for the Clark Williamson Act agricultural preserve contract is 320 acres. The required minimum parcel size for the Anderson & Middleton Logging Company Williamson Act agricultural preserve contract is a combination of 40 acres and 640 acres. Proposed Parcel 1 meets the minimum parcel size of 40/640 acres. Proposed Parcel 2 does not meet the minimum parcel size of 320 acres. However, the Clark agricultural preserve contract encompasses more contiguous property than just what is included in the proposed adjustment. Any conveyance of proposed Parcel 2 resulting from the lot line adjustment must be in a combination with other adjacent property in the Clark ownership that then includes at least 320 acres total. The parcel configurations in the proposed adjustment will allow for conveyance of some of the Clark property while maintaining consistency with the minimum parcel size, so long as the 320 acre ownership is maintained.

The adjustment will result in the reconfiguration of the two parcels into two parcels to reflect the existing uses on the site and allow for an exchange of land which will maintain a position which is "better than or equal to" the existing situation relative to the county's zoning and building ordinances. The proposed adjustment allows for the existing irrigated vineyard (approximately 13 acres) on the existing 240 acre parcel to be entirely located on proposed Parcel 1. The

proposed lot line adjustment does not create more development potential than what exists today. Proposed Parcel 1 would have approximately 486 acres of irrigated vineyards. Proposed Parcel 2 would have no irrigated vineyards but would maintain the cattle grazing operation.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Staff has concluded that the proposed adjustment is equal to or better than the existing lot line situation and is also consistent with both state and local law.

STAFF COMMENTS:

The Peter G. Clark property, APNs: 019-171-037 and -038, is currently in Shandon Agricultural Preserve No. 1 and has been under a Land Conservation (Williamson Act) contract since 1972. In 2013 Mr. Clark (Mc Crea Ranch) submitted an application to reduce the minimum parcel size from 640 acres to 320 on both the agricultural preserve and contract. The amendment, Shandon Agricultural Preserve No. 1 Amendment No. 13, makes the Clark property subject to and distinct from the provisions of the original Shandon Agricultural Preserve No. 1. A new replacement contract was entered into on December 10, 2013 under Resolution 2013-305, recorded as Document No. 2013-068981.

The Anderson & Middleton Logging Company property, APN: 019-171-023, is currently in the Suttan contract and has been under a Land Conservation (Williamson Act) contract since 1972. The boundaries of each agricultural preserve need to be altered and the minimum parcel size of the land to be added also must be amended from 320 acres to 40 acres, to be consistent with the 40 acre minimum parcel size in effect on the Anderson-Middleton property.

The property owners submitted two (2) applications to amend the existing agricultural preserves and contracts to reflect the proposed lot line adjustment. Peter G. Clark submitted application AGP2014-00004 and Anderson & Middleton Logging Company submitted application AGP2014-00005. On March 16, 2015 the Agricultural Preserve Review Committee (Review Committee) reviewed the proposed agricultural preserve boundary revisions. The Review Committee is recommending that the Board of Supervisors approve the amendment to the agricultural preserves and contracts at a future date yet to be determined.

AGENCY REVIEW:

Public Works – Concurs with proposed adjustment. No concerns.

Agricultural Commissioner – Concurs with proposed adjustment and considers the proposal to be equal to the existing parcel configuration in terms of agricultural resources.

Shandon Advisory Committee – No comments

LEGAL LOT STATUS:

One of the two existing parcels was legally created by the recordation of a certificate of compliance for Lot Line Adjustment COAL 96-0109, Parcel #1 (Document #1996-065858) at a time when that was a legal method of creating parcels.

One of the two existing parcels consists of a portion of Sections 26 and 35, Township 26 South, Range 14 East, and was legally created by deed at a time when that was a legal method of creating parcels and Certificate of Compliance C07-0016, Parcel 4 has been issued and recorded (Document No. 2007-012373) for the parcel.

ATTACHMENTS

Attachment 1 - Findings
Attachment 2 - Conditions of Approval
Attachment 3 - Project Graphics
Attachment 4 - Project Referral Responses